

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54765 of 2023

Arising Out of PS. Case No.-46 Year-2023 Thana- NAANPUR District- Sitamarhi

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1. MUKESH KUMAR @ MUKESH KUMAR YADAV SON OF VINAY RAI
 2. VINA KUMARI @ VINA DEVI WIFE OF MUKESH KUMAR
BOTH RESIDENT OF VILLAGE - GAURA, P.S. - NANPUR, DISTRICT - SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashhar Mustafa
For the State	:	Mr.Uday Pratap Singh
For the informant	:	Mr. Amit Kumar
		Mr. Utkarsh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 30-08-2023 1. Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Nanpur Police Station Case No. 46 of 2023, dated 01.02.2023, disclosing offences punishable under Sections 304-B/120-B/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the marriage of the informant's daughter was solemnized with co-accused Kanhaiya Kumar on 03.12.2017. It has been alleged that after the marriage, all the accused persons started demanding scorio vehicle as dowry, and due to non-fulfillment of the said demand, the



daughter of the informant has been killed by the accused persons on 30.01.2023.

4. Learned Counsel for the petitioners submits that the petitioner no. 1 is the elder brother of the husband of the deceased and petitioner no. 2 is the wife of petitioner no. 1. He further submits that no overt act has been attributed to the petitioners and the petitioners, along with other family members, have been made accused in this case on the basis of general and omnibus allegation. He further submits that the petitioners are separate in mess and means, having no concern in the family affairs of the deceased and/or her husband. He further submits that the husband of the deceased has been granted regular bail today itself by a co-ordinate Bench of this Court, in Criminal Misc. No. 55294 of 2023.
5. On the other hand, learned Counsel for the informant vehemently opposes the prayer for bail and submits that the petitioners are named in the First Information Report and even if the deceased has committed suicide in her matrimonial home the petitioners did not take her to the hospital, which shows the complicity of the petitioners in the alleged offence.



6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the doctor has opined the cause of death as asphyxia due to hanging, the petitioners are the family members of the husband of the deceased and there is no specific allegation levelled against the petitioners in the First Information Report, I am inclined to grant the petitioners privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Pupri, Sitamarhi, in connection with Nanpur Police Station Case No. 46 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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